

**CITY OF WESTWEGO MUNICIPAL FIRE AND
POLICE CIVIL SERVICE LEAVE RULES**

RULE 1

MEETING OF THE BOARD

- SECTION 1: The board shall hold one regular meeting with each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Act 282.
- SECTION 2: Unless otherwise provided in the notice for such meetings shall be held at the Westwego City Hall Council Chambers.
- SECTION 3: Notice of all meetings, including regular meeting, shall be given by posting such notice in the City Hall, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state the time, place, and subject matter to be covered, and whether said meeting is regular or special.
- SECTION 4: Special meetings of the board will be held only upon call of the chairperson, or in such absence the Vice-chairperson, or as provided by Act 282.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session. Four board members must be present in order to conduct business.
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings.

RULE II

SUBJECT MATTER OF BUSINESS

- SECTION 1: At regular meeting of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.
- SECTION 2: At special meetings the board shall consider only those items of business for which the meeting was called, except by agreement of a majority of the board members, other matters may be considered.

RULE III**ORDER OF BUSINESS**

SECTION 1: At regular meetings the order of business shall be as follows:

1. Reading of minutes
2. Special and general reports
3. Decisions and orders on matters considered at previous hearings and meetings
4. New business

SECTION 2: At special meetings the order of business shall be as follows:

1. Reading of minutes
2. Decisions and orders on matters considered at previous hearings and meetings
3. Hearing of matters previously fixed for the special meeting.

RULE IV**EXECUTIVE SESSIONS**

SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by majority vote when considering those matters which may be discussed under provisions of Revised Statute 42:4.1, (relative to public meetings) and those statutes that follow. Any voting on matters discussed in executive sessions will be conducted upon return to public meeting.

RULE V**APPLICATION FOR APPEALS AND HEARINGS**

SECTION 1: Any person authorized to appeal to the board under the provisions of the Civil Service Law may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of Sect. 2561 of the Civil Service Act shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other request for hearings shall set forth the section

of the Civil Service Act under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairperson of the board and a copy thereof filed with the vice-chairperson of the board.

SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such written notice is given.

SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

RULE VI

PROCEDURE ON APPEALS

SECTION 1: All hearings on appeals shall be open to the public.

SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board.

SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts.

SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room.

SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing.

SECTION 7: The written rules, regulations, and procedures of the civil service board and Act 282 will be the basis of all hearings and appeals.

RULE VII

DISMISSAL OF APPEALS

SECTION 1: If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

RULE VIII

TRANSCRIPTS OF HEARINGS

SECTION 1: If any party to the hearing desires a permanent transcript of the hearing, the party shall furnish a court reporter for said purpose at their own expense. Where a court reporter is furnished, the original of the transcript shall be filed with the board and shall become part of the permanent record of the appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible.

RULE IX

OTHER HEARINGS

SECTION 1: All other hearings of the board shall be instituted and shall be conducted in accordance with the above and foregoing rules and Civil Service Law in general.

RULE X

APPLICATION FOR ADMISSION TO TEST

SECTION 1: Test for entry upon promotion and competitive

employment list shall be advertised for and administered in accordance with Section 2552 of the Civil Service Act. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given after existing list is twelve (12) months old and not yet expired and shall be given at least one time during each successive period of eighteen months.

SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Act.

SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.

SECTION 4: Admission to tests shall be governed by provisions of Sect. 2553 of the Civil Service Act.

SECTION 5: When results of any examination are furnished to the board by the State Examiner, the chairperson shall forthwith call the board for a special meeting for approval thereof. Employment list shall become effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

RULE XI

DISTRIBUTION OF BOARD RULES

SECTION 1: One copy of the board rules shall be distributed to each board member, governing body one copy, Police Chief and Fire Chief one copy, and police and fire bulletin boards one copy.

SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

RULE XII**LEAVES OF ABSENCE, HOLIDAYS, AND BOARD RULES****SECTION 1: Leaves of Absence -- Police and Fire****A. Leaves of absence are classified as follows:**

1. Leave of absence with pay
2. Leave of absence without pay
3. Absence with leave and pay

B. Sick Leave:

The following sick leave or illness benefits shall be available to all employees of the Classified Service.

1. Employees after completing ninety (90) days but having less than one year of continuous employment may receive two (2) weeks pay for major illness. A major illness is defined as one requiring hospitalization. New employees must be in the employ of the city for ninety (90) days continuous employment in order to qualify for illness benefits, other than workmen compensation.
2. Employees with more than one year of continuous employment may receive four (4) weeks pay (20 days) for a major illness per calendar year. A major illness is defined as one requiring hospitalization.
3. Employees with a minor illness may receive pay for no more than five (5) days per calendar year. A minor illness is defined as one not requiring hospitalization.
 - a. In no event shall the total sick leave benefits referred to in subsections (2) and (3) exceed twenty (20) days per calendar year per employee.
4. Sick leave may not be used for absences incurred because of attendance of personal affairs.
5. When an employee of the classified service is ill and cannot report for duty, it is his/her responsibility to notify the supervisor or the person designated by the Chief of the department not later than two

hours prior to the start of the assigned duty period. Failure to call, as indicated above, will result in the forfeit of pay, as it is classified as "absence without leave and pay."

6. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position and light duty with her classification is not available.
7. No cash payment may be made for accumulated sick leave. Should any illness last longer than two (2) calendar days, the employee is required to submit a doctor's certificate indicating the illness or condition which justified his absence, as well as the probable duration of the illness. For failure to produce a doctor's certificate for any illness on the third (3) day, the employee will be classified as "absent without leave and pay". Should any employee of the classified service abnormally absent himself/herself before or after his/her scheduled days off, or at any time, he/she will be required to submit a doctor's certificate should the absence be for only one (1) calendar day.

C. Funeral Leave

1. An employee's immediate family is defined to consist of parents, spouse, brother or sister, grandparents, children, grandchildren, mother-in-law, father-in-law, daughter in law, son-in-law.
2. Funeral leave in the event of an immediate family death shall be authorized without loss of pay or leave time not to exceed two (2) days except in extenuating circumstances endorsed by the employee's Chief.
3. If an employee of the classified service has a death in his/her immediate family and cannot report for duty, it is his/her responsibility to notify the supervisor or the person designated by the chief of the department not later than two (2) hours before he is scheduled to report to duty.

D. Examinations

Each employee of the classified service will be granted "leave of absence with pay" to take any municipal fire and police civil service examination.

Provisional employees are granted "leave of absence with pay" to take a municipal fire and police service examination for the class that they hold provisionally.

E. Civil Leave

Absence because of jury duty is "leave of absence with pay". However, the jury notice must be presented to the Chief of the department or to the person designated by the Chief to receive such notice at least five (5) days in advance of such jury duty. An employee shall be authorized to take leave time when performing jury duty, when subpoenaed to appear before a court, public body, or commission, or when performing emergency or civilian duty in connection with national defense. The City will pay the difference between pay earned for the special duty and the employee's regular pay from the City.

F. City or District Court Attendance

Attendance in City or District Court on departmental business is with pay provided that the attendance is ordered by subpoena or other court order. Should any employee of the classified service be required to be in attendance in court on his/her off time, such time shall be compensated at his/her normal rate of pay.

Each member of the classified service must present to the Chief of the department or the person designated by him, any such notice to appear in court at least five (5) days in advance of such court attendance. Copy of such notice shall also be sent to the board. See: 33:2212 & 33:2213.

G. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay or vacation leave time when

performing emergency military duty or participating in the two-week annual training duty required by membership to a reserve unit of the U.S. Armed Forces or the Louisiana National Guard, for a maximum of fifteen (15) work days. During the fifteen (15) work days, the city will pay the difference between pay earned for the special duty, if less, and the employee's regular pay from the city. Each member of the classified service shall give such notice of ordered duty at least thirty (30) days in advance to the chief of the department and this board, if known by him. Should the employee be called out on an emergency basis, he should contact his supervisor, the chief of the department, or the person designated by him to receive such notice.

H. Military Leave without Pay

Any regular and permanent member of the classified service called into the Armed Forces, will be carried on military leave without pay until the employee returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any regular and permanent member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which the employee may be entitled.

Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Section G. Should the individual have used all leave to which the employee is entitled (in Section G), then the employee shall be granted military leave without pay.

I. Personal Time Off

Each member of the classified service may apply to the chief of the department for personal time off when such time off will not exceed two (2) days and this leave is classified as "leave of

absence without pay".

Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay".

J. Annual Leave - Fire and Police

1. Each regular employee upon reaching his anniversary date and in the employ of the city on such anniversary date will be eligible for vacation with pay in accordance with subsection (a), (b), (c) and (d).
 - a. Each regular employee, upon completion of one year of continuous service and who has worked twenty-six (26) weeks from his date of employment to his anniversary date shall receive one week vacation with pay.
 - b. Each regular employee, upon completion of two (2) years or more continuous employment and who has worked twenty-six (26) weeks during the year preceding his anniversary date shall be entitled to two (2) weeks' vacation with pay.
 - c. Each regular employee, upon completion of ten (10) years of continuous service and who has worked twenty-six (26) weeks during the year preceding his anniversary date shall be entitled to three (3) weeks' vacation with pay.
 - d. Vacations will be scheduled, insofar as possible, at the times most desirable to the employee, but the final right to the scheduling of the vacation period is exclusively reserved to the city, in order to insure the orderly and economical operation of all city departments. Vacations will be permitted and scheduled at times which will not cause additional premiums or costs to the city.
2. Each employee may divide vacation leave into two separate periods, the total of which shall not exceed the employees accrued vacation leave time. No cash payment may be made in lieu of a vacation.

3. All employee vacation schedules must be approved by the supervisor at least two (2) weeks before any vacation is to begin. Employees with the greatest departmental seniority will have priority on the scheduling. Each department must post the vacation schedule prior to December 31 for the following year.

4. Cut-off date, June 1 for vacation dates.

K. Holidays

Each member of the classified service shall be granted "Leave of Absence with Pay" on the following legal holidays:

1. NEW YEARS DAY
2. MARDI GRAS DAY
3. GOOD FRIDAY
4. JULY 4TH
5. LABOR DAY
6. THANKSGIVING
7. DAY AFTER THANKSGIVING
8. CHRISTMAS EVE
9. CHRISTMAS DAY
10. NEW YEARS EVE

IF AN EMPLOYEE IS SCHEDULED OFF ON ONE OF THE HOLIDAYS, HE/SHE WILL RECEIVE AN ADDITIONAL DAYS PAY. HOWEVER, IF THE EMPLOYEE IS GIVEN ANOTHER DAY OFF TO CELEBRATE THE HOLIDAY, HE/SHE WILL BE PAID FOR THE DAY OFF AND NOT RECEIVE AN ADDITIONAL DAYS PAY.

MOVING HOLIDAYS AS THEY WOULD APPLY TO DAY WORKERS WHO ARE SCHEDULED MONDAY THROUGH FRIDAY:

1. JULY 4TH FALLS ON SATURDAY - CELEBRATE ON FRIDAY
2. JULY 4TH FALLS ON SUNDAY - CELEBRATE ON MONDAY
3. CHRISTMAS EVE AND CHRISTMAS FALLS ON FRIDAY & SATURDAY - CELEBRATE AS IS (EXTRA DAYS PAY FOR SATURDAY)
4. CHRISTMAS EVE AND CHRISTMAS FALLS ON SATURDAY AND SUNDAY - CELEBRATE CHRISTMAS EVE ON FRIDAY AND CHRISTMAS ON SUNDAY (EXTRA DAYS PAY FOR SUNDAY)
5. CHRISTMAS EVE AND CHRISTMAS FALLS ON SUNDAY & MONDAY - CELEBRATE AS IS (EXTRA DAYS PAY FOR SUNDAY)
6. NEW YEARS EVE AND NEW YEARS DAY WILL BE HANDLED IN THE SAME MANNER AS CHRISTMAS EVE AND CHRISTMAS.

EMPLOYEES WHO WORK ON THE ABOVE HOLIDAYS WILL BE PAID AT ONE AND HALF (1) TIMES FOR SUCH WORK. THIS WILL BE IN ADDITION TO THEIR REGULAR HOLIDAY PAY. NO ONE WILL BE PAID TWICE FOR THE SAME HOLIDAY.

EMPLOYEES WHO FAIL TO WORK THEIR LAST SCHEDULED DAY BEFORE THE HOLIDAY AND THEIR FIRST SCHEDULED DAY AFTER THE HOLIDAY WILL NOT RECEIVE HOLIDAY PAY, UNLESS THEY HAVE AN EXCUSABLE ABSENCE.

L. Family Medical Leave

Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993).

An employee will be required to first exhaust any or all compensatory time and any or all accumulated leave time before being granted unpaid leave without seniority.